

September 16, 2003

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Re: Midterm Permit Review, Consolidation Coal Company, Emery Deep Mine, C/015/0015,  
Task ID #1693 Outgoing File

Dear Mr. Kirschbaum:

The Division is required to review each active permit during its term, in accordance with R645-303-211. This review is to take place at the midpoint of the permit term (July 7, 2003 for the Emery Deep Mine) and will cover pertinent elements that have been selected for review. The Midterm Review for the Emery Deep Mine is now being conducted and the items chosen for review encompass the following:

1. An AVS check to ensure that Ownership and Control information is current and correct.
2. A review to ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program, which have occurred subsequent to permit approval (One area of emphasis is to ensure compliance with the U. S. Fish and Wildlife Windy Gap Process).
3. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the plan document.
4. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.

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6. The Division may conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

Any information that you would like us to review as part of the Midterm Review must be submitted by October 15, 2003. Once the review has been conducted, you will be notified of any outstanding issues that need to be corrected.

If you have any questions regarding these requirements or the Midterm Review process, please don't hesitate to call Daron Haddock at (801) 538-5325.

Sincerely,

Mary Ann Wright  
Associate Director, Mining

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cc: Dana Dean  
Daron Haddock  
Price Field Office  
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